COPYRIGHT KIT

Created exclusively for PPA Members
by PPA's Copyright & Government Affairs Department
Updated July 2015

A COPYRIGHT RESOURCE COURTESY OF:
PPA PROFESSIONAL PHOTOGRAPHERS OF AMERICA

Contents

Introduction: What is Copyright? 3
How Does PPA Help Protect My Copyrights? 4
Steps You Can Take to Protect Your Copyrights 7
Marking Your Images 8
Registering Your Images 12
The Basics of Copyright Registration 13
Electronic Registration System Guide—eCo 17
Paper Form VA Guide 21
When Does Copyright Expire? 26
Usage Licenses and Copyright Transfers 26
Recommended Reading and Resources 28
Appendix 31

The PPA Copyright Kit is not intended to be legal advice; instead, it is a compilation of information bringing together a variety of copyright materials into a single document. For advice on your specific situation, contact PPA's Copyright & Government Affairs department at 800-786-6277 or copyrightdefense@ppa.com. For legal counsel, speak with a local attorney.

Introduction: What is Copyright?

Copyright is the exclusive right of a photographer to control the use and reproduction of the photographs they create. Violators of this law are subject to both civil and criminal penalties. Copyright does not give photographer the right to freely use their images as they wish. State laws determine the need for a model release from the subjects of the images for certain commercial uses. Copyright does, however, prevent others from using professionally-created images without the photographer's express permission.

The Federal Copyright Act (U.S.C. Title 17) and other cases, establish the following:

- A copyright comes into existence automatically the moment a professional photograph is created.
- By law, that copyright belongs to the photographer or the photographer's studio.
- A customer who commissions and purchases the photograph does not thereby obtain ownership of the copyright.
- Any transfer of the copyright's ownership to a customer must be outlined in writing.
- A lab, or other third party, who prints or reproduces photographs commercially, has a legal duty to ensure that the requested copy or intended use is lawful before filling the order.
- A photograph does not need to be marked with a copyright notice to be protected.
- A photograph does not need to be registered with the U.S. Copyright Office to be protected by copyright law, but more enforcement options are available for registered photos.
- A photograph can be marked with the © symbol immediately upon creation; it does not need to be registered first.

There is a lot more to copyright law than this, though. So, let's get started on the details!

How Does PPA Help Protect My Copyrights?

Advocacy on Capitol Hill: PPA is the only photography association with a full-time staff dedicated to protecting photographers' rights on Capitol Hill. Our team lobbies Congress, making them aware of PPA member stories and explaining that copyright isn't just about movies and music - it's also about professional photographers who happen to be small business owners by the thousands, and who live and work in their districts.

Working with the U.S. Copyright Office: As part of its advocacy program, PPA works with the U.S. Copyright Office to find ways to reduce the burden of registration on our members. Instead of simply asking for changes, we have been proactive in regularly bringing ideas to the Copyright Office for consideration.

Working with the copyright community: PPA works in partnership with a variety of organizations that represent the interests of the copyright industry. PPA also supports such organizations by providing amicus curiae (friend of the court) briefs when cases are directly impacting the copyright of photographs.

Assisting you directly: If you have questions about your copyrights or are having problems with a client or a third party who is using your work without your permission, you can call PPA for help. A member of our Copyright and Government Affairs department will provide information you will be able to use to make an informed decision on how to proceed. You can also ask PPA to send notice to the infringer on your behalf, as a way to get them to stop the practice or bring them to the negotiating table. PPA's assistance in these initial steps will often deter the offenders!

Providing contract assistance: Copyright problems are often wrapped up in issues related to contracts and other agreements. While PPA cannot provide legal advice per se, we will provide you with relevant information and resources to give you a more complete view of the situation. We also provide sample forms and contracts covering a wide range of photography practices.

Providing copyright alerts: To keep you up to date on breaking news from Capitol Hill, PPA publishes blog posts and sends email updates on key actions taken by Congress, the Copyright Office and even court decisions.

Educating your Community: PPA members and non-members alike can sign up to participate for free in our community copyright awareness program. It's easy! Once you sign up we send you the "Helpful Tips for Handling Professional Photographers" brochure that you can deliver to local photo retailers and talk to them about your rights as a photographer and what they can do to abide the law and protect their own liabilities. It's an easy snapshot initiative that goes a long way in your copyright protection journey, as most photo retailers simply do not receive the necessary education to stop mass infringements.

Copyright education for photographers: Aside from helping you educate your community, we try to inform you actively! For those who want to know more about protecting your copyrights as a professional photographer, we hold copyright education webinars which you can replay at your leisure on PPA.com/EDU. Watch out for the PPA Today newsletter for specific times.

COPYRIGHT ASSISTANCE:

Email: copyrightdefense@ppa.com
Phone: 800-786-6277, ask for the Copyright DepartmentThe Photographer's Guide to Copyrights

What is a copyright?
A copyright is the exclusive legal right of creators to reproduce, distribute, publicly display, or create derivative works from an original work. A copyright also gives its owner the exclusive right to license those usage rights to others.

What does copyright cover?
The same law that protects photography also protects other types of creative, intellectual and artistic works such as music, motion pictures, magazines, books, choreographies, sculptures and more.

How do I copyright my photographs?
Your images are copyrighted to you from the moment you push the trigger to create them. While this copyright exists, federal registration is necessary in order to legally enforce those rights - so getting "full" copyright protection involves registering your work with the U.S. Copyright Office.

Who owns the copyright?
In most cases, you do as the photographer! If you are an employee or independent contractor, your employer may own the copyright.

How long does a copyright last?
The current copyright term is the life of the creator plus 70 years - or, for works "created" by a corporation, 95 years.

Can I copyright my business name?
No. Business names are eligible for trademark protections, not copyright. Although both are forms of intellectual property, their protection and registration processes are different. For information on how to trademark your business and/or logo, contact the appropriate agency within your state or the U.S. Patent and Trademark Office at Uspto.gov.

My client claims that since they paid for the image, they own the rights—is that true?
No. You own the rights to your work, paid or not, unless of course you transfer them to a client in writing. The key here is to proactively educate your clients to ensure they understand this!

How do you transfer a copyright?
In order to be considered valid, a copyright transfer must be made in writing between yourself and person, or firm, requesting your copyrights. (See Appendix C on P. 33)

Does owning the copyright mean I can do anything I want with my images?
No. While you own the copyright to your work, your clients and subjects also have a right to privacy. Based on that, you should always have your subjects sign a model release.

What does "registration" mean?
Registration is a verifiable record of your copyright, so that in the event of a legal claim, a case of infringement or plagiarism, you can produce a copy from an official government office. Registration involves sending your work to the U.S. Copyright Office along with some paperwork and a registration fee. It isn't required by law, yet it will immensely increase your ability to enforce your rights in the event of a litigation, as you will not be able to claim statutory damage or attorney's fees unless your work was registered prior to the infringement, or within 3 months of its publication.

Do I need to mark my work?
Technically, a copyright mark is not required for protection. However, as a practical matter, we encourage PPA members to mark all of their work. The placement of the mark is up to your own personal taste: embossed on the front of a print, or the back of the print, or embedded in the image file properties. Since public misconception about copyright is vast, the © helps clear up any questions for those who don't understand. Since lack of understanding is at the core of many infringements, this small step can go a long way toward protecting your work.

If someone gives me a photo credit, does that mean they did not infringe?
No. Giving you a photo credit has no bearing on whether or not an infringement exists.

I shared an image with the newspaper and did not receive photo credit. Is that copyright infringement?
No, there is no automatic right to a photo credit. You can make photo credit a requirement of your licensing or other usage agreement. Failure to abide by such an agreement (e.g. lack of photo credit when required) is, on the other end, a violation.

I posted some images on my website; does that mean they are in the public domain?
Even the images you post online are protected by the copyright law. Remember, your images are copyright protected from the moment you create them. If you find that another website contains your copyrighted material, the Digital Millennium Copyright Act (DMCA) allows you, the copyright holder, to send a letter to a website's Internet Service provider or Copyright Abuse Agent to request the copyright-protected material be removed. Call PPA for help with DMCA! (See Appendix D p. 37).

Who do I call if someone infringes on my work?
If someone is using your work without your permission, call PPA. One of our Copyright Specialists will provide you with information (specific to your particular situation) on your options for stopping the practice, or possibly even being compensated for the infringement. This service is free for PPA members, as it is an exclusive benefit of your membership in PPA. The Copyright & Government Affairs department can be reached at 800-786-6277 or copyrightdefense@ppa.com.

Steps You Can Take to Protect Your Copyrights

In the past, photographers controlled the means of reproducing their images. Today's environment is vastly different. Technology has advanced to a point where it is easy and not very expensive to reproduce an image. This is why it is extremely important that photographers take proactive steps to protect their copyrights and their businesses.

Yes, the Federal Copyright Law states that the images you create are copyrighted from the moment of creation. But this won't stop instances of illegal copying of your work. Fortunately, there are a number of very effective steps you can take to protect your rights.

1. **Mark your work:** Marking your images with a copyright notice is the single most effective means of protecting your work from inadvertent infringements. It tells the public that this photo was created by a professional photographer and is protected under the Copyright Law. It can also communicate who the copyright owner is and how to contact you. (You can read more about the importance of marking your work on page 7.)

2. **Educate your clients:** Go beyond saying your "photography is protected by U.S. copyright law." Your clients likely do not have a complete conception of the Law. Use simple and straightforward language such as, "all photography by ABC Studio is protected from copying, scanning or reproduction under Federal Law." Include the copyright message in your materials and consider displaying some well-done signage in the reception and selling rooms, if you have such spaces in your studio. Please do not depend on your clients reading the small print. The message does not need to scream out at them, but it shouldn't be hidden either.

   Most importantly, have conversations with your clients about what they can and cannot do with purchased images. Some opportunities to do so may be during the initial consultation, when going over the contract, when the client is placing their order or picking up their products, etc. You don't want these conversations to seem like lectures, so remember to be educational and positive. Focus on what the clients can do with the images (depending on the usage you have authorized), and remind them that they will get higher quality products when they get them from you!

   Also, include copyright information with the products you deliver, like prints, albums, disks, etc. PPA provides such a "copyright insert." It is a well-written, and non-threatening message explaining what copyright means with photographs. Because it comes from PPA, if your clients ever become upset about the copyright message, you can blame us or the Federal government. PPA members receive a package of 50 PPA "Copyright Inserts" in their membership kits. To order more for $3.00 per package, please contact PPA's Member Services at csc@ppa.com or 800-786-6277. You may also visit PPA.com/copyright to download and print the inserts yourself!

   Also, consider including a line about copyright information in your sales agreements and/or in your contracts: "All photography by ABC Studio is protected from copying, scanning,

reproduction, enhancement or manipulation by Federal Law." Further, you may want to add something like "We agree to return to ABC Studio for any copying, scanning, reproduction, enhancement or manipulation."

3. **Consider copyright registration:** Registering your copyright with the United States Copyright Office gives you more enforcement options. With your work registered, you can sue for court costs, attorney fees and statutory damages. Without registration, you can only seek actual damages. For helpful tools on navigating copyright registration, check out pages 10 – 21. And for more information on Copyright Law, visit Copyright.gov.

4. **Adapt how your business operates:** This will not only protect your copyrights but it can also increase your sales. Many photographers use a business model that was developed when the artists controlled the means of reproducing or publishing their work. You may want to reconsider some of your business practices with your copyrights in mind. Here are some ideas:

   - Many photographers now do not allow previews or proofs outside of their studio, preventing a client from copying those images. Those photographers also have the opportunity to participate in, and influence, the decision of which poses or shoots to select.

   - The Internet is also being used with great success. Photographers can post the previews on a website, possibly password protected, where they can be viewed. If images are loaded as a low-resolution file and with a copyright mark, there is little danger of copying since a copyright marked low-res file will not yield a good print. Some sites even take orders online, providing both photographers and clients with additional benefit: Not only are you protecting your images, but now friends and family across the country can see and order photos.

     Many photographers also now sell packages rather than rely on reprint orders. Some photographers offer the negatives or digital files at a premium (basically selling or licensing the copyright) to clients either as part of a package or at some point after the initial orders are completed. Photographers have even been able to increase their session or creative fee and lower their print prices. Of course, every photographer's business operates differently, and your business decisions need to be based on what works best for your business.

5. **Participate in the Picture Licensing Universal System:** PLUS helps artists acquire and track licensing for their works. The idea behind PLUS is that it eases communication and management of copyrights. This program becomes better the more people use it, so make sure you sign up!

Marking Your Images

Marking your images is an important step toward protecting them. You have some decisions to make, such as what type of mark to use, how much information to include, and where to place the mark. Here are a few ideas for protecting your images using a copyright notice.

Using a Written Notice

What should a good copyright notice contain? We recommend using the © symbol along with your name or your studio's name. The year that the photo was created is helpful. This traditional copyright notice is recognized in the U.S. Copyright Law and also the Berne Convention and international treaty, which protect your copyrights. Example:

© YEAR. ABC Studios

Consider going a step beyond this basic mark by adding a line such as "all rights reserved" or "illegal to copy or scan without written permission." This delivers a stronger message and tells a potential copier that written authorization is required. Example:

© YEAR. ABC Studios
Illegal to copy or scan without written permission

To ensure you can be contacted by a potential user, add a location or contact information. The easier people can reach you, the more likely people will follow the rules. You also don't want to pass up a possible sale! Example:

© YEAR. ABC Studios
Illegal to copy or scan without written permission
My Town, USA 123-456-7899

Many PPA members also use their PPA ID number as part of the copyright notice, along with PPA's 800 Customer Service Center number. When that potential client calls, we can easily put them in contact with you. You don't even have to ask for permission to use this service. It is your right as a PPA member! Simply use your PPA ID number and PPA's Customer Service hotline: 800-786-6277. Example:

© YEAR. ABC Studios
Illegal to copy or scan without written permission
PPA member ID #XXXXXX 800-786-6277

Think your client won't call? PPA's Customer Service team receives approximately 10,000 calls each year from consumers and retailers looking for the copyright owner of photographs. Our main objective is to get that consumer in touch with the photographer/copyright holder of the photo. By helping both consumer and retailer abide by the rules, we are helping to protect photographers' rights.

Using a Visual Notice

If you would rather not clutter your images (front or back) with so much writing, an alternative might be using a visual cue to mark your work. For some this means an embossing your studio name in an artful font or your logo in one of the corners of a final print. For others it might mean using a studio graphic to indicate a proof version of the work.

There's really no right or wrong way to mark an image with a "graphic" copyright notice. You just have to decide what works for you. Remember to balance your aesthetic considerations with what will provide the best protection.

Finally, if you choose to mark your work in this manner, make sure you inform your clients verbally and in their contracts. You always want to set your clients' expectations accurately. It's best they know ahead of time that the prints or files they purchase will contain your mark.

Using a Non-Visual Notice

If you would rather not put anything onto a finished print or digital image, consider using a few "invisible" methods of protecting your copyrights.

Talk to your lab about special finishes: Certain finishes make images more difficult for clients to scan or reproduce without taking away from the quality of the image. Whether you select a textured photo paper or other "protective" finish, your clients may never notice the fact that you've made your copyright more secure.

Use "digital fingerprinting" technology: If you primarily exchange digital files with your clients, you may want to use embedded metadata or a similar "digital fingerprint" to make sure anyone who comes across the file knows it is your work. This can be as simple as programming your camera or post-production software to do the work for you. To learn how to embed metadata or similar copyright creator information, we recommend you consult your camera's user manual to determine the correct settings or learn how to do this with your post-capture software.

Use an "invisible" watermark: Part metadata, part watermark, applying an "invisible" mark to your digital files can get you the copyright protection you need while still providing your clients the visually appealing images they tasked you to create (this can be done by using a program that integrates with your post-production software). Many invisible marks are a series of coded lines or colors that are embedded onto the file itself in a manner that is never apparent to the viewer. (PPA members can get a discount for these "invisible" watermarks through Digimarc for Images. To use this benefit, visit PPA.com/benefits.)

Using a Watermark

In addition to using a traditional copyright notice as your mark, we also recommend considering watermarking your images. It's a key step to protecting your work when it comes to sharing digital files.

Just like embedding metadata or an "invisible" watermark, this process may also be one that is supported by your post-production software. If the "how to" part is easily resolved by your

choice in software, all that needs to be decided is what kind of mark you'll apply to your images. Just as when marking a print, you'll surely want the digital watermark to allow your work to be easily viewed. This means choosing an emblem or statement that does not detract from the finished product.

Taking your cues from the "Written" and "Visual" notice sections above, ensure that you choose a watermark that will allow the prospective user to easily contact your studio to request permissions. After all, the mark is only as helpful to viewers as the information you include. (PPA members can take advantage of digital watermarking discount options through Digimarc for Images. To use this benefit, visit PPA.com/benefits.)

Whatever route you choose, marking your work is a critical step in protecting your copyrights. Of course, it is only the beginning of the copyright education/information you need to provide your existing and prospective clients alike. Read on for additional tips and tools for protecting your copyright. It is your livelihood.

Registering Your Images

The moment your work is recorded, it is copyrighted. You instantly own the copyrights of the photos you create unless you are operating under a work-for-hire agreement. There is, however, a stronger form of protection that comes about by way of copyright registration.

The initial copyright provides you with some protection but with very few tools for legally enforcing your rights. In a legal action, the most you could recover would be actual damages (lost income) related to the infringement. In other words, the most you could hope for is the fee you would have charged, plus any money that you can prove the infringer made based on their illegal copying. Because the value of photography varies widely, these actual damages will rarely get high enough to interest an attorney to pursue a case. This is compounded by the fact that in most cases you will be required to bring a copyright suit in federal court.

On the other hand, if you register your work with the U.S. Copyright Office within three months of your first publication of the work or before an infringement, you have more options for enforcing your rights and can legally seek statutory damages and attorney fees. Despite this large compensation difference, less than one percent of professional photographers regularly register their work with the U.S. Copyright Office.

The potential for significant damages puts you in a stronger position to demand payment for an infringement. This potential to bring a suit provides a strong deterrent—and will often result in avoiding court altogether. When faced with the choice of paying for their usage or being dragged into federal court for a process than can take three to five years, paying their own attorneys, and possibly owing you statutory damages and your attorney's fees, most offenders will make a good faith effort to negotiate a settlement.

To register or not to register is yet another business decision you have to make. You must weigh the time and money you have to put into the process with the protection registration provides. Remember, by choosing not to register, you are forfeiting legal enforcement options. Think of this scenario: You capture a beautiful image that somehow gets distributed without your permission. Then, the image is picked up by major publications without your authorization and worse, you are not even given credit. If that image is unregistered, you will not be able to seek statutory damages, court fees and attorney fees, which means the cost of the lawsuit would likely be more than you could recover. Unless you are able to negotiate some compensation for the infringement on your own, you may never see a penny for even the most significant violations.

There are options available for registering your images as a collection or group, making the cost very low for a large number of images, or you can register images individually for $35. Even if you do not always register your images, consider individually registering any photographs that will be especially susceptible to infringement (e.g. photos that will be highly publicized due to a noteworthy event, person or place or because of the publication of the image). Alternatively, consider a quarterly registration of all your images. Remember – in order to ensure your ability to seek statutory damages, images must be registered within three months of initial publication.

In a nutshell, PPA highly encourages you to consider registering your work and to keep the PPA's Copyright & Government Affairs department at your service. Call or send your questions if you are stuck in this registration process: 800-786-6277 or copyrightdefense@ppa.com.

The Basics of Copyright Registration

On the next few pages, you will find single and multiple image registration considerations and helpful hints on completing your application accurately. You will still want to visit Copyright.gov for the most up-to-date information on registering works of visual art.

There are four different ways photographers can register their work with the U.S. Copyright Office:

- Registration of single images
- Group registration of published photographs
- Registration of an unpublished collection of photographs
- Registration method, "Contribution to Periodicals," (technically available, but are omitted in the descriptions below, as the group registration of published photographs achieves the same goal and provides more flexibility in how you deposit your work).

All copyright registrations have these three things in common:

1. A completed registration application (application supplied by the U.S. Copyright Office).
    - Electronic Copyright Office (eCO) System, or
    - Form VA and component forms.
2. A deposit (submission) of copies of the work(s) being registered.
3. A per application registration fee.

Single Image Registration

The three above items are the only things required for registering a single image. A "one-at-a-time" approach works well if you are only submitting the occasional photograph for full copyright protection. However, registration fees add up in a hurry if you are registering a significant amount of your work.

Group Registration: Published or Unpublished?

The publication status of your work is a key factor in determining which group registration method to use. The Copyright Act defines publication as "the distribution of copies […] of a work to the public by sale or other transfer of ownership, or by rental, lease or lending. The offering to distribute copies […] to a group of persons for purposes of further distribution […] or public display, constitutes publication. A public performance or display of a work does not, of itself, constitute publication."

Regardless of whether you are registering a group of published photographs or an unpublished collection, it is important to note that the U.S. Copyright Office does not allow published and unpublished images on the same copyright registration under any circumstances.

- **Special Requirements for Registration of Unpublished Image Collections**

The process for registering an unpublished collection of photographs is almost identical to registering a single work. The only special requirements for submitting an unpublished collection on a single form are the following:

  - All of the photographs in the group must be unpublished.
  - The "Title of this Work" should identify the collection as a whole.
  - Copyright claimant is the same for all photographs and the collection as a whole.
  - All photographs in the collection have to be by the same author (photographer); or where several photographers are involved, at least one has contributed copyrightable authorship to each of the images in the collection.
  - There is no limit to the number of images that may be included in a collection.

- **Special Requirements for Group Registration of Published Photographs**

The special requirements for registering your work as a Group Registration of Published Photographs are the following:

  - All images in the group must be published.
  - The same photographer must have created all the photographs in the group registration. A company that is considered the legal "author" of all the works created by its photographers may still only register the images of one photographer in a group registration.
  - All photographs in the group must be published within the same calendar year.
  - All photographs must have the same copyright claimant.
  - You may include an unlimited number of images on a single group registration of published photographs.

Special Note:
If the images qualify for group registration as published works, you may need to complete both Form VA and Form GR/PPh/CON. Form GR/PPh/CON is a special "continuation sheet" that requires you to list every image in the group and their first publication dates individually. Fortunately, you are eligible to avoid filling this lengthy form if:

- All of the photographs in the group registration were published no more than three months prior to the application, fee and deposit arriving at the Copyright Office. In those instances, an exact creation date for each image is not mandatory. Instead you may use a range of dates covering no more than the three month period.
- Each of the images you deposit contains a date of publication on the work.

If you meet these requirements, you can still complete Form GR/PPh/CON if you chose to, as it does provide a more complete record of the work you are registering. However, the time consumed by this process is such that most photographers find it easier to avoid this extra step.

The Copyright Deposit

You must send to the U.S. Copyright Office at least one copy of every image you are registering—even if the images are part of a published group or unpublished collection.

If you are registering an unpublished single image, you must submit one complete copy of the work with your registration form. If the image is published, you must submit two copies of the "best edition" of the work. For photographs, the "best edition" of the published work is the most widely distributed edition, in the form of an 8x10 inch glossy print (other sizes permitted, but are less preferable) on archival-quality paper rather than less permanent paper stock and printing.

Special Note:
You can also register via the Electronic Copyright Office (eCO) system, and submit low-compression digital files instead of physical prints. Please refer to the "Electronic Registration System Guide- eCo" on page 15 of this kit, or visit Copyright.gov for the latest file specifications.

If you are registering your work as either an unpublished collection or as a group registration of published photographs, you have far more flexibility in the materials you provide the U.S. Copyright Office. The following formats will be accepted (from most to least preferred formats) for unpublished collections and group registrations:

- CD-ROM/CD-RW or DVD-ROM, with images saved as JPEG, GIF, TIFF or PCD
- Un-mounted prints no smaller than 3x3 and no larger than 20x24
- Contact sheets
- Slides, each with a single image
- The original format in which the photograph has been published
- Photocopy (if the original image was color, the photocopy must also be in color)
- Slides, each containing up to 36 images
- Video clearly depicting each photograph

Common Registration and Deposit Errors

Despite the mutual efforts of everyone involved, there are a number of problems that commonly crop up in photographic copyright registrations. After an informal poll of the copyright examiners in the visual arts section of the U.S. Copyright Office, we have discovered that there are some common registration errors every photographer should avoid:

- **Group Registration of Published Photographs**

Publication dates appear to be the most common errors in filing a group registration of published photographs. The most common date problems are the following:

- Providing only one date for a group registration. This is only appropriate if all images were published on the same day.

- Providing a publication date range of January 1-December 31. If using such a date range, you must include the individual dates of publication for each photograph on Form GR/PPh/CON. While the regulation permits registering images from the same year in a single group, a photographer may only avoid individually dating each of the

photographs in the group if the images being registered were all published within a three month timeframe. For example:

> Photographer "A" does a group registration of published photographs. Photographs in the group were first published on a variety of dates ranging from January 15, 2009, to August 28, 2009. Because the range of dates is greater than three months, Photographer "A" must individually list the publication dates for every photograph being registered.
>
> Photographer "B" does a group registration of published photographs. Photographs in the group were first published on dates ranging from January 15, 2009 to April 2, 2009. Since all of the images were first published within a three month period, Photographer "B" may list only the range of publication dates.

- Incomplete or missing publication dates. Unless it falls into the special "three month" exception, a registration must include a complete publication date for every individual image included in the group.

- Failure to include both the name of the employer and the photographer when the images are work-for-hire creations.

- **Registration of Unpublished Collections**
  - When registering an unpublished collection, be sure to give the registration a collective title, but do not complete the "Title of Work" section as a "Group Registration." The terms "Group Registration" and "Unpublished Collection" have very specific meanings to the copyright examiners and should not be used interchangeably.

  - **For Form VA users:** Do not use Form GR/PPh/Con to list works in an unpublished collection. While the title of GR/PPh/Con is "Continuation Sheet for Form VA," it may only be used when registering a group of published photographs. When making an unpublished group registration, you should use the "Continuation Sheet" for application forms—known as Form CON and titled "Continuation Sheet for Application Forms."

- **Deposit Errors**

While you may register a group of published photographs or an unpublished collection on one form, you still need to deposit copies of every work being registered. Many applicants mistakenly send a single image that is representative of the group being registered—this is insufficient under the current regulations.

Electronic Registration System Guide—eCo

The Electronic Copyright Office (eCO) accepts photographic registrations and deposits via their online registration system. Just like the beta test version, eCO is only accepting certain types of image registrations. For photographers, it means that the photograph(s) they register must meet one of the following criteria:

- A single photograph created by one copyright owner.
- Multiple unpublished photographs created by the same copyright owner.
- Multiple published photographs featured in the same publication and created by the same photographer.

In addition to ensuring your eligibility to register your images through eCO, there are a few technical points that you will need to address:

- The system is currently compatible with Microsoft Internet Explorer, Netscape Navigator 7.02 (or higher), and Firefox (both PC and MAC versions). Please note that Safari and Google Chrome are not currently certified for use with the eCO system.
- Disable any pop-up blockers or third-party toolbars used in your web browser.
- Security and privacy settings should be set to "medium".

Special Note:
There is currently a pilot program underway to explore the group registration of photographs via the eCO system. To find out how you can participate, visit Copyright.gov.

Advantages of eCO

eCO expedites the registration process and changes the way the Copyright Office has been communicating with registrants. One obvious enhancement is the increased efficiency in submitting your registration and deposit information as well as in receiving your Certificate of Registration.

It is worth noting that while you may register online, your certificate of registration will continue to arrive by U.S. Mail; however, it will take on a new look. Rather than returning your completed application approved by a copyright examiner, the new certificates are printed out and contain the registration information you provided, the date your submission was received, and a statement certifying that the information provided is "correct to the best of the author's knowledge."

In addition to reducing the wait time for your certificate, there is a financial advantage to using eCO: Registrants using eCO pay a reduced application fee!

Completing the Registration Process

The new eCO system only requires three simple steps to register your image(s). For a step-by-step guide to completing an eCO application, please see appendix F.

1. **Complete the Application**
   Once you have addressed these technical issues, you can begin to create your eCO account and start registering your photographs. Select "**Register a New Claim**" and follow the screen prompts.

Important keywords, highlighted in blue, can be clicked on to clarify the type of information requested for a particular section. You can also click on the "**Help**" link for additional guidance in troubleshooting the online application. Be sure you complete any field featuring a red asterisk (*) as they are required to process your application.

The registration application includes 11 major sections that have been defined as follows:

- Type of Work – Indicate the medium you are registering (i.e. visual arts).
- Titles – List one title for an individual photograph or Group and individual titles for multiple photographs.
- Publication (or completion).
- Authors – The person or studio that created the photograph(s).
- Claimants (or copyright owner).
- Limitation of Claim (applies only to derivative works).
- **Optional:** Rights & Permissions – Person(s) authorized to grant usage rights.
- Correspondent – Who to contact concerning the application.
- Mail Certificate – The address to which your certification should be sent.
- Certification – This section will ask you to verify (and affirm) all information is true.
- Review Submission – Your last chance to edit the application before submitting for review by the Copyright Office.

If you cannot complete the application in a single sitting, you will be given the opportunity to save and return where you left off. To pick up where you left off, select the application you were working on from the "**Working Cases"** menu on your account homepage.

2. Submit Payment Information

Once you have completed your registration application, click "**Checkout"** to pay the application fee. You can choose to pay by debit/credit card, e-Check (ACH debit), or establish a deposit account. You must pay the registration fee to continue to the screen that allows you to upload your image files or print a shipping label to mail in your work.

- ***Paying by debit/credit card or e-Check***

  To pay by debit/credit card or e-Check, click on **"Pay – Credit/ACH.**" You will now be allowed to elect either the debit/credit or ACH payment method. Whichever method you select, be sure to complete all required billing information. As with any online payment, you will be prompted to verify the payment information you have provided, enter an Email address to receive receipt/payment confirmation, and of course, agree to accept the charges.

  Please note that these payments are accepted via Pay.gov, a secure payment site administered by the U.S. Treasury Department. As a result, you will be linked to Pay.gov to provide your payment information and returned to eCO once payment has been submitted. *This process should occur seamlessly; you should not be asked to establish an additional account.*

- ***Paying by deposit account***

  A deposit account is a method of payment in which you can make advance fee payments to the Copyright Office and have the registration debited from this account

each time you file an application. If you register your work on an ongoing basis, you might consider establishing a deposit account with the U.S Copyright Office. For more information on this process, we encourage you to review "Circular 5: How to Open and Maintain a Copyright Office Deposit Account" available at Copyright.gov/circs.
To draw from an existing account, follow the "**Organization/DA**" link on your eCO account homepage.

Once a deposit account is connected to your eCO application, click on "**Pay – Deposit Acct.**" This will direct you to an account balance screen, which will reflect your billing information and the availability of funds in your account. To apply the application fee to your deposit account, click on the "**Pay"** icon found next to the account balance. This will prompt to a payment confirmation: click "**OK"** to accept payment and generate a printable receipt.

3. **Deposit Your Work**
Now that you have completed your application and paid the application fee, it is time to submit a copy of your work. Even though you've completed the application electronically, you have the option to upload digital files or mail in hardcopies, or digital files, to satisfy the deposit requirement. Whichever option you choose, the Copyright Office will notify you within 60 days of the receipt of the application and payment if your image deposit has not be received.

- ***Uploading digital files***
Begin by selecting "**Upload Deposit**" on the Deposit Submission screen. Files must be uploaded individually and can be browsed for by using the eCO prompt. When completing the file upload, keep in mind that your session can last no longer than 60 minutes. As a result, the size of the file(s) you submit is important. The number of image files you can upload in a single session also depends on your network connection. (For up-to-date information on file size parameters and upload window lengths, visit Copyright.gov/eco/faq.html#eCO_2.3.)

  Once you have uploaded all files associated with your application, click "**Submit files to Copyright Office**." You will be directed to a confirmation page listing each of the image files you have uploaded and will see their corresponding "upload request numbers". Verify that all of your files have been incorporated into the upload, and click "**Upload Complete"** afterwards, meaning no additional upload windows will be accessed.

  Note that executable files (with extensions like .EXE, .COM, and .BAT, etc.) are the only file types not accepted via the online system.

- ***Depositing by mail***
If you prefer not to upload your digital files, select "**Send by Mail**" on the Deposit Submission screen. This will generate a shipping slip, which will appear as a PDF file under the "Attachments" heading on this same page. Print and attach the shipping slip to each work (or set) that you are mailing.

Remember to properly and securely package prints, CDs or DVDs, as mail sent to Capitol Hill is subject to additional security screenings. Items should be sent to the address printed at the bottom of the shipping slip. You must send in your work within **30 days** of the "**Case Date"** that appears on the shipping label.

Once you have printed your shipping label, you will be returned to the Deposit Submission page. Click "**Done"** to indicate you have completed this process.

It is important to note that you must now indicate that you have completed the deposit portion of the application process as it can delay your effective registration date. Remember your registration date is determined by the date upon which your application is received as complete by the U.S. Copyright Office.

What's Next?

Since you registered using the eCO system, you can log in at any time to check on the status of your registration application. The average processing time estimated by the U.S. Copyright Office is three months. Of course, your registration date is effective the date your application is submitted (and complete) and not the date it is handled by one of their Copyright Specialists.

Remember, the certificate will not arrive electronically; instead, it will be sent by U.S. Mail. You can also find proof of your registration in the Copyright Office's searchable database: Copyright.gov/eco/. The Copyright Office will make available the copyright information you listed on your application, along with identifying information to help users identify your work.

Paper Form VA Guide

Registering via the eCO system is the preferred method, true. But you can still register with paper forms if you don't mind slightly higher application fees and longer time frames. Form VA used to be the basic form for all registrations of photographs—whether single images, unpublished collections or groups of published photographs. The U.S. Copyright Office will continue to accept Form VA. You can download a copy of the latest version of Form VA by visiting http://www.copyright.gov/forms/formva.pdf.

Special Note:
Form VA is the only available alternative to registering your work with the Electronic Copyright Office (eCO) system. Use of the paper Form CO was eliminated on June 20, 2012, and the final applications were to be received no later than July 2, 2012. As a result of this elimination, there is no "mid-price" option for registering your images.

Paper FORM VA – Step by Step
The instructions on Form VA and Form GR/PPh/CON are sufficient. But based on the comments from photographers, we have put together this photographer-oriented walk-through for Form VA to help you out if you choose to use the paper registration method.

SPACE 1 of the VA Form: TITLE
Title of this Work: This can be anything—the Copyright Office simply needs something to call the work or the image group for cataloging purposes. However, if the work you submit has a title, indicate it on the form.

Publication as a Contribution: If the photograph in question is published as part of a periodical, serial or collection, you will have to indicate the title of that publication here. You will also need to give volume, number, issue date and page number references.

Nature of this Work: Simply put "photograph" if you are submitting a single image or "photographs" if you are registering a group of images.

Previous or Alternative Titles: If you are registering a group of published photographs, this section must include the words "Group Registration/Photos," along with the number of photographs in the group. For example: Group Registration/Photos; app. 500 images."

For a single image registration, provide any alternative title that the work might be known under, so that it is easier for those searching in the registration records to find you.

SPACE 2 of the VA Form: AUTHOR(S)
2a. Name of Author: "Author" has a special definition here. In many cases, the author will be the same as the photographer who created the image. This situation changes when photographers incorporate their businesses and list themselves as employees.

Where the photographer is an actual employee of the business—not an independent contractor—the business is considered the author of the photograph. When using a business name, you must use the full legal name of the employer. If you like, you may also include your own name on this line as well.

If you are completing a group registration for published photographs made as work-for-hire work, then you **must** use both the employer and photographer names. The format should be NAME OF COMPANY, employer for hire of NAME OF ACTUAL PHOTOGRAPHER.

Dates of Birth and Death: Unless you have the ability to predict future events; you will omit the date of death when registering your own work. Likewise, if the images are considered a "work for hire" and the author is a company, both the birth and death dates can be omitted.

Author's Nationality or Domicile: This section must be completed regardless of whether the author is the photographer, a work-for-hire employer, anonymous or pseudonymous. For work-for-hire employers, the domicile of the business is usually considered to be the country in which the company was incorporated or where it has its principal place of business.

Was the Author's Contribution to the Work Anonymous? Pseudonymous?: It is possible to register the work anonymously or under a "pen name." Check the appropriate box if either no name or a false name appears on copies of the work being registered.

Nature of Authorship: Select photograph.

2b. Name of Author: Same as above, but section 2b should only be filled out when there are co-authors to the work. Co-authors are not normally involved in the creation of photographs.

SPACE 3: CREATION & PUBLICATION

Year in Which the Creation of This Work Was Completed: Note that this is not the year of publication, but the year of creation.

Date and Nation of First Publication of This Particular Work: This only applies if the work has been published prior to, or simultaneously with, your registration. The copyright statute defines publication as the distribution of copies of the work to the public by sale or other transfer of ownership, rental, lease or lending—or if an offer has been made to distribute to others for the purpose of further distribution or public display.

Special Note for Group Registration of Published Photographs:
If all of the images in your group registration were first published within three months of the U.S. Copyright Office receiving your materials, then you may simply include the range of dates here. If the range of dates extends beyond the three-month period immediately prior to the U.S. Copyright Office receiving your registration, you may still put the date range here, but you must also list every work being registered, along with its publication date, separately, on the Form GR/PPh/CON.

SPACE 4: CLAIMANTS
Names and Addresses: This space requires the name and address of the party (or parties) who currently own the copyright of the work—even if it is, this is the same information as the authors in Space 1.

Transfer: If there has been a transfer of the copyright (not to be mistaken with a work-for-hire arrangement), the claimant must give a very brief example of how they obtained the copyright (i.e., "inherited" or "transfer of all rights"). Do not attach documentary evidence of the transfer.

SPACE 5: PREVIOUS REGISTRATION
Check "no" and skip the remainder of section five unless the work was previously registered with the U.S. Copyright Office. In most cases, the only "previous registrations" that might occur in the photography context are the registration of a "published edition" of a work that was registered in unpublished form. If there was a prior registration, you will need to supply the prior registration number from the copyright certificate and the year of that previous registration.

SPACE 6: DERIVATIVE WORK OR COMPILATION
This section is only required if the work being registered meets two criteria:

1. The work is a changed version, compilation or derivative work and
2. It incorporates one or more earlier works that have already been published or registered or have fallen into the public domain.

In other words, the work is either pre-existing material arranged to create a new work or is based on another pre-existing work. A photographic example would be a photo montage incorporating photographs that have already been published or registered.

SPACE 7: FEE & CORRESPONDENCE
7.A. Deposit Account: (Usually left blank.) This section only applies if you have set up a deposit account, a pre-paid account used to cover the cost of registration. Deposit accounts can be set up through the U.S. Copyright Office for those that do a minimum of 12 registrations a year.

7.B. Correspondence: The U.S. Copyright Office will use the information you supply here if they have questions or other concerns about the application.

SPACE 8: CERTIFICATION
This section is required to help ensure that copyright registrations are authentic.

SPACE 9: RETURN ADDRESS
You need to indicate your mailing address here one last time. Make sure it is legible, since these lines will be in the window envelope used to mail your copyright certificate back to you.

What's Next?
Congratulations! You have prepared your registration and deposit for the U.S. Copyright Office via Form VA. Please keep in mind that you may experience a delay of approximately 10 months before you receive your Certificate of Registration in the mail. Since your information will be uploaded into the current registration system, you will no longer receive your "certificate" in the

form of a seal/stamp on the Form VA you submitted. Instead, you will receive an application summary certifying that you have completed the registration process. Remember that once you have sent your registration form in a hard copy format, you may not register it again electronically.

PPA.com/Copyright

When Does Copyright Expire?

Use the charts below to determine whether your images are protected by copyright law and whether you will need permission to make a reproduction for a client. As a general rule, images created on or after **March 1, 1989**, always require the permission of the artist. Images first published before **1923** are no longer protected by copyright law.

Images Marked With a Copyright Notice

Date	Is Permission of the Artist Needed?	Length of Copyright
Created on/after January 1, 1978	Yes	Life of the artist + 70 years
Published between 1964-1977	Yes	95 years (ex. 1964+95=2059)
Published between 1923-1963	Maybe	***Permission is needed*** if the copyright was renewed. If so, protection would be 95 years (ex. 1923+95=2018).
Published prior to 1923	No	Image is in the public domain.

Images <u>Not Marked</u> With a Copyright Notice

Date	Is Permission of the Artist Needed?	Length
Created on/after March 1, 1989	Yes	Life of the artist + 70 years
Created between January 1, 1978 -April 30, 1989	Maybe	Unless the image is registered with the U.S. Copyright Office, chances are it **can** be copied.
Created prior to January 1, 1978	No	The image can be safely copied.

There are certain exceptions to these rules that affect published images and images created by corporations. For example, images created before 1978 but not published until after 2002 are no longer protected by copyright law (unless the artist died less than 70 years ago). On the other hand, images created before 1978 but published from 1978-2002 are protected until 2048 or the life of the photographer plus 70 years (whichever expires last). Lastly, images created by corporations have a copyright term of 95 years from the date of first publication or 120 years from the date of creation, whichever expires first.

Usage Licenses and Copyright Transfers

While it has long been a common practice in commercial photography, we are now seeing an increase in the number of portrait and wedding clients asking for copyright releases or usage licenses from their photographers. As the copyright owner, it is entirely up to you to decide what rights, if any, you wish to transfer or license to your client. Here are three examples for how to license or transfer your copyright to clients if you choose to.

Copyright Transfer

A copyright transfer involves giving all of your rights to an image to a client or third party. Most commonly, this is done when there is little chance of obtaining income from reprints, or when the cost in both time and money outweighs the possible benefits of maintaining the copyright. Copyright transfers are generally only use in unique circumstances or with a very specific business model.

By transferring the copyright to a client, the photographer is effectively selling all rights to the image. This type of transfer allows your client to use or reproduce images however they like (i.e., they are not required to come to you for any reprints or other reproductions of the images).A copyright transfer also means that if you wish to reproduce the images or to use them for your own business purposes, you will then have to get express written permission from the new copyright holder—the client.

To view a sample Copyright Transfer Agreement from PPA, see Appendix A.

Limited Usage Licenses

Offering your clients a limited usage license allows you to maintain ownership of your copyright, while granting the client the right to use the images in a specific manner, for a specific purpose, or during a specific time frame. Since you maintain the copyright, a limited usage license gives you the most flexibility in deciding which rights you are selling to the client.

Limited usage licenses are particularly useful if a client wants to reproduce the image in a setting or service that you do not currently offer, or a product line that you do not find to be profitable.

To sample Limited Licensing Agreement from PPA, see Appendix B.

Unlimited Usage License

It is also possible to grant a client an unlimited usage license. This type of license allows the client to use the work in any manner they see fit. However, by retaining the copyright, you are still able to use the images for your own purposes. With an unlimited usage license, you are still giving your client complete control of the images, forfeiting any opportunities for reprints or further licensing.

To view a sample Unlimited Licensing Agreement from PPA, see Appendix C.

A Few Points to Remember

Copyright is more than just the right to make copies. In addition to the right to reproduce your work, it includes the right to prepare a derivative work based on the original, to distribute the work, and to publicly display the work. A license can grant all or some of these rights, and the same rights can be

granted to multiple parties.

If you are considering offering transfers or usage licenses to your clients, you should do so in writing. This is to ensure validity of the agreement and to protect both you and your client from future misunderstandings.

Finally, keep in mind that the rights to an image are valuable property. When licensing or transferring rights to those images, be sure to contemplate the value of what you are selling, and price it appropriately.

Recommended Reading and Resources

The following listing is a compilation of the resources mentioned throughout the kit, in addition to other helpful websites and books to assist you in navigating copyright law. As always, we encourage you to contact PPA's Copyright & Government Affairs department (800-786-6277 or copyrightdefense@ppa.com) with any questions or concerns you have about protecting your images.

Additional Resources:

Articles

- *Copyright Infringement: Coming to a Resolution* (March 28, 2011)
- *Copyright Education: Make Your Rights Known* (April 28, 2011)
- *Defending Yourself Online - Protect Your Images* (February 5, 2009)
- *It's Beginning to Look a Lot Like...Copyrights?* (October 8, 2009)
- *Protect Your Greatest Asset* (October 23, 2008)
- *Protect Yourself from Client Copyright Infringement* (May 7, 2009)
- *Protecting Your Copyright with Good Business Practices* (August 1, 2008)
- *Talking to Clients About Digital Files and Copyright* (September 10, 2010)
- *The Holiday Card Situation* (October 21, 2010)
- *Whose Copyright Is It...Yours or Your Employee's?* (March 6, 2009)

Downloads

- Copyright Inserts (digital version)
- Copyright Registration Guides
- Sample Forms in Appendix Section

Webinars

- Are Your Images Protected?
- How to Protect and Register Your Images
- Protect Your Copyright Through Licensing Agreements

All PPA Resources are available on the Copyright Resources page in the Resource Library.

Books

Photographer's Legal Guide, by Carolyn E.Wright
The Copyright Book, Fourth Edition, by William S. Strong
The Legal Guide for the Visual Artist, by Tad Crawford
The Professional Photographer's Legal Handbook, by Nancy E. Wolff
United States Code, Title 17 – Copyrights
Copyright Basics, Circular 1 – U.S. Copyright Office
Copyright Registration for Pictorial, Graphic, and Sculptural Works, Circular 4 – U.S. Copyright Office
Work Made For Hire, Circular 9 – U.S. Copyright Office

Websites

Copyright.gov – U.S. Copyright Office

PhotographerRegistery.com
house.gov or senate.gov – For the latest information on copyright legislation
PhotoAttorney.com
csusa.org – Friends of Active Copyright Education
StopFakes.gov – Strategy to Target Organized Piracy

Organizations

PPA-Professional Photographers of America
229 Peachtree St. NE, Suite 2200
Atlanta, Georgia 30303
Phone: 800-786-6277
CopyrightDefense@ppa.com

The Copyright Society of America
352 Seventh Ave., Suite 739
New York, New York 10001
csusa.org

U.S. Copyright Alliance
1224 M St. NW, Suite 101
Washington, DC 20005
CopyrightAlliance.org

U.S. Copyright Office
101 Independence Ave. S.E.
Phone: 877 476 0778
Copyright.gov

Appendix

The sample contracts included in this appendix are available for download from both the Copyright Resources page and the Resources page (Contracts and Forms category) of PPA.com.

Sample Limited License

Sample Unlimited License

Sample Copyright Transfer

Sample DMCA Take-Down Letter

Step-by-Step to eCO Registration

ABCD

Please note that these forms and samples are provided to PPA members as a guide. It is your responsibility to ensure the contracts and agreements you use meet the requirements of your state's laws and can be considered legally binding documents.

-APPENDIX A-

Limited Copyright License Agreement

This License Agreement is made this ____ day of _____, 20 ____ between _____ *(photographer name)* of _____ *(studio name),* hereinafter referred to as Licensor, and _____ *(client name)* hereinafter referred to as Licensee.

Whereas, Licensor and Licensee hereby agree to the following:

Licensee is granted a license for the following use:

1. The image(s) subject to this agreement are as follows:_____
   _____
   _____

2. Use of the above mentioned images is limited to the following:_____
   _____
   _____

Licensor and Licensee agree to the following additional terms:

- Licensor retains all copyright and moral rights to each image. Licensor also retains all rights not expressed in the agreement, including advertising rights.
- Licensee may not transfer this license to other parties without written permission from Licensor.
- Licensee agrees that altering images is prohibited without first receiving written permission from Licensor.

In witness thereof, the parties execute this agreement.

_____ (Licensor)	_____ (Licensee)
Photographer	Client
Studio Name	Business Name
Studio Address	Client Address
City, State Zip Code	City, State Zip Code
Phone Number	Phone Number

These forms are provided to PPA members as a guide. It is the responsibility of the member to ensure the agreement meets the requirements of their state's laws to be considered a legally binding contract.

-APPENDIX B-

Unlimited Copyright License Agreement

This License Agreement is made this ____ day of _____, 20 ____ between _____ *(photographer name)* of _____ *(studio name),* hereinafter referred to as Licensor, and _____ *(client name)* hereinafter referred to as Licensee.

Whereas Licensor and Licensee hereby agree to the following:

Licensee is hereby granted a license to reproduce, distribute and publicly display the following works: Licensor and Licensee agree to the following additional terms:

1. Licensor retains all copyright and moral rights to each image. Licensor also retains all rights not expressly granted in this agreement, including its right to use images for promotional and advertising purposes unless stated otherwise below.
2. Licensee's license to reproduce, distribute, or publicly display these works does not include the ability to license the images to third parties.
3. This license is non-transferable.
4. Licensee agrees that altering images without obtaining written permission from Licensor is prohibited.

In witness thereof, the parties execute this agreement.

_____ (Licensor)	_____ (Licensee)
Photographer	Client
Studio Name	Business Name
Studio Address	Client Address
City, State Zip Code	City, State Zip Code
Phone Number	Phone Number

These forms are provided to PPA members as a guide. It is the responsibility of the member to ensure the agreement meets the requirements of their state's laws to be considered a legally binding contract.

-APPENDIX C-

Copyright Transfer

This Assignment of Copyright is made this _____ day of _____, 20____ between _____ ***(photographer name)*** of _____ ***(studio name*)** and _____ ***(client name)***.

Whereas, _____ (photographer or Studio Name) is the author and creator of the following work(s):

(Description or Title of Work)

The author assigns all copyrights for the aforementioned work to _____ ***(client name)*** and his or her heirs. **(Optional: Simultaneous to the execution of this agreement, the assignee grants the assignor an unlimited right to use the work for self-promotional purposes.)**

In witness thereof, the parties execute this agreement.

_____ (Assignor)	_____ (Assignee)
Photographer	*Client*
Studio Name	*Business Name*
Studio Address	*Client Address*
City, State Zip Code	*City, State Zip Code*
Phone Number	*Phone Number*

These forms are provided to PPA members as a guide. It is the responsibility of the member to ensure the agreement meets the requirements of their state's laws to be considered a legally binding contract.

-APPENDIX D-

Sample DMCA Letter

This letter uses a provision in the copyright law that gives a website or service provider the choice of removing copyrighted material or leaving the material up, but losing their immunity to a copyright lawsuit in regard to the posting. Many online services have specific Email addresses for these kinds of requests—check the hosting company's terms of use.

To the best of our knowledge, the sample letter below meets the technical requirements of the law. This letter can be Emailed, faxed or mailed.

Dear (SERVICE PROVIDER):

I am a professional photographer and the author of the photograph picturing (subject matter), which as of (date) was posted on the website (URL). As the copyright owner, I assure you that I did not give permission for this photograph to be posted on the webpage described. Pursuant to the provisions of the Digital Millennium Copyright Act of 1998, 17 U.S.C. §512(c), please consider this letter actual notice via written notification that this infringing material is being stored and/or resides on a system controlled by you. I hereby request that you act expeditiously to remove or disable access to the photograph described.

As the owner of the copyright in this photograph, I have a good faith belief that the use of the photograph at (URL) is not authorized by me or by any provision of the law. I also declare, under penalty of perjury, that I am the copyright owner and the information in this notification is accurate to the best of my knowledge.

If you have any questions, you may contact me at (address, phone number) or by Email (Email address).

Sincerely,

(Signature)

(NAME)
(STUDIO NAME)

These samples are provided to PPA members as a guide. It is the responsibility of the member to ensure the agreement meets the requirements of their state's laws to be considered a legally binding contract.

-APPENDIX E-
Step-by-Step Guide to Completing eCO Registration Applications

The U.S. Copyright Office has made a PowerPoint tutorial to guide you through the eCO registration process that you can find at copyright.gov; however, below you will find this walk-through of the application process.

SECTION 1- *Work Being Registered*

This section focuses on the photograph(s) you are registering. You will be asked for information concerning the type of work being registered (*Visual Arts*), its title or any previous or alternate titles (there is space for up to 50), and publication information, as well as completion and publication dates.

A. Type of work being registered: Here you have to indicate whether you are registering a single photograph or an entire album, select "visual arts work."

B. Title of this work: This is where you insert the title of the work (or group of work) being registered. Be sure you list only one title per box. If you need to include additional titles—you can add up to 50—click on the "additional title" button. If the group of photographs you are registering contains more than 50 titles, you will need to register your work using the eCO system.

C. Serial issue: You will only need to complete this section if your work is or was published as a serial. The U.S. Copyright Office defines serials as periodicals, newspapers, magazines, bulletins, newsletters, and other items issued in parts identified by number and/or date, or that will continue regularly scheduled publication indefinitely.

D. Previous/Alternate title: You will only need to complete this field if the photograph(s) you are registering can be identified using another name not listed in "B."

E. Year of completion: Indicate in this cell the date referring to the creation or completion of the group, compilation, or derivative of the image(s) being registered. For a single image, it could be the date it was delivered to a client or the date it was captured. For an album or CD/DVD of digital files, it would be the date the work was completed. If you are registering published photographs, this date cannot occur any later than one year after their first publication. Note that you only need to provide the YEAR.

F. Date of publication: This field only applies for registering published works. So you may skip this field if you are registering unpublished works. For published works, provide the date of first publication.

G. ISBN: Skip this field unless you are registering a published work containing an International Standard Book Number (ISBN) code. Please know that the U.S. Copyright Office does not assign ISBN codes. If you are registering an item with an ISBN code, talk

to your publishing house or contact R.R. Bowker at isbn.org or bowker.com for more information.

H. Nation of publication: Skip this field if you are registering unpublished works. If you are registering previously published works, select "United States" if:

1. The work was first published in the U.S.A.
2. The work was published abroad and in the U.S.A. simultaneously.
3. The work was published abroad and in the U.S.A. within 30 days of initial publication. You may check circular 38a, *International Copyright Relations of the United States*, to verify that country in which the works were published has signed the Berne Copyright Convention.

If you do not meet the above criteria, you will need to select "Other" and type in the name of the country.

I-J. Published as a contribution in a larger work: Skip this field unless the photograph(s) you are registering have been published as part of a larger work. Complete "J" only if the larger work named in "I" is a serial. For example, if your photograph was printed in *Professional Photographer* magazine, you would indicate the magazine's name in field "I" and provide information on the issue in field "J."

K. If work was pre-registered: Skip this field unless the photograph(s) being registered on this form were pre-registered with the U.S. Copyright Office.

SECTION 2- *Author Information*

This section focuses on the author (or in this case, the photographer) who created the work. It covers information directly relating to the photographer and the circumstances under which the image was created and/or published. You can only include information on one author per section, but you can click on the "add author button" to provide information on each contributor.

A-B. Personal name (a) / Organization (b): Complete either field "A" or "B." In space "A," give either the full name of the person who created the photograph(s) or "anonymous" if you intend to register the work anonymously or pseudonymously. In the case of a "work made for hire," the company/studio name for which the work was created belongs in space "B." If you are known by an alternate name (i.e., a "Doing Business As" or DBA) you should have already provided this information in the "Note to Copyright Office" Section of the application.

C. Year of birth: Give the year in which the creator was born. The information entered in this field will become part of the public records in the online searchable database made available by the U.S. Copyright Office.

D. Year of death: Skip this field unless the creator of this work is deceased at the time of registration.

E. Citizenship/Domicile: Complete this field to indicate the creator's nationality and country of residence (that is the person or organization listed in section 2.A. above).

F. Author's contribution: Skip this section unless the photograph(s) were created as:

1. Work(s)-for-hire – prepared during the course of your employment.
2. Anonymously – no natural person named as the creator of the work. If you check this box, you must ensure that you have correctly completed space "A" by including "anonymous" or the full name of the creator (which will become public record).
3. Pseudonymously – the name on the work is fictitious. If you check this box, you must ensure that you have correctly completed space "A" by including "pseudonymous" or the full name of the creator (which will become public record).

If you complete this section, you may only select one of the above check boxes.

G. This author created: Complete this section by selecting the creative input provided by the author (photographer) referred to in this section. If more than one author was involved in the creation of the photograph(s) being registered, ensure that you click the "additional author" button to complete a supplemental Section 2.

SECTION 3 – *Copyright Claimant Information*

This section focuses on the person or organization claiming copyrights to the photograph(s) being registered. In most instances, this will be the same person(s) or organization indicated in Section 2.A. unless the copyrights have been transferred to another person or organization. Just like in the previous two sections, you can only include information on one claimant at a time, but you can click on the "add claimant button" to provide information if the copyrights are shared.

A-B. Personal name (a) / Organization (b): Complete either field "A" or "B," not both. Field "A" allows you to designate an individual as the copyright owner, while field "B" allows a corporation or organization to be designated as the copyright owner. In instances where you might be known by an alternate name (i.e., a "Doing Business As" or DBA) you may provide this information in the "Note to Copyright Office" Section of the application.

C. Contact information: Enter the physical address, email address, and phone number for the person or firm referred to in this section. The information entered in this field will become part of the public records in the online searchable database made available by the U.S. Copyright Office.

D. If claimant is not an author: If the person or firm referred to in this Section is not the same person or firm listed in Section 2.A, mark either "written agreement,' "will or inheritance," or "other" (selecting other requires that you give a brief explanation of how copyrights were transferred).

SECTION 4– *Limitation of Copyright Claim*

This section must be completed only if the work(s) being registered is based on previously registered, previously published, in the public domain works, or work(s) for which you do not own the copyrights. If the work being registered is original (new), skip to Section 5.

A. Material excluded from this claim: Indicate in this section any part of the work being registered that, as indicated above, was previously registered, previously published, in the public domain, or work(s) to which you do not own rights. If you previously registered the work as "unpublished" and are now registering the work as "published" (the work must be identical to the unpublished version), select "other," citing "First publication of work registered as unpublished," and do not complete field "C."

B. Previous registration: Enter the registration number and year as recorded by the U.S. Copyright Office for the last two times the work was registered.

C. New material included in this claim: Complete this section by indicating the new material contained in photograph(s) being registered. Select the type of material by marking the correct box and entering a description of the new component. Remember, you may skip this part if you indicated the photograph(s) being registered are "published" versions of one(s) previously registered as "unpublished."

SECTION 5– *Rights and Permissions Contact*

This section must be completed and will be published as public record in the U.S. Copyright Office's online searchable database. You can elect to mark the box to indicate that the "first claimant" from Section 3 should be contacted by people or organizations seeking copyright permission, or provide new contact information for the person or organization who should be contacted with such inquiries.

SECTION 6– *Correspondence Contact*

This section must be completed so that the U.S. Copyright Office may contact you concerning questions that arise based on the information contained in your application. You can opt to have them correspond with:

1. The "first claimant" from Section 3; or
2. The "rights and permissions" contact from Section 5.

If neither option applies, you will have to provide new contact information for the person or organization to which you want the certificate to be sent. No part of this section will be made public record.

SECTION 7– *Mail Certificate to*

This section must be completed to receive a physical copy of your Certificate of Registration. You can elect to mark one of the boxes to have the certificate sent to:

1. The "first claimant" from Section 3;
2. The "rights and permissions" contact from Section 5; or
3. The "correspondence" contact from Section 6.

If none of these options apply, you will have to provide new contact information for the person or organization to which the certificate should be sent. No part of this section will be made public record.

SECTION 8– *Certification*

It provides you the opportunity to review and certify that all the information you have provided is true and accurate and, of course, indicate how you will pay the application fee.

A. Handwritten signature: Although you must complete the registration form in a web browser, your handwritten signature is required to validate the form. (Note: When using Form CO, ensure that you have carefully reviewed Section 1-7 and have finished typing information into each field in this section as appropriate before printing.)

B. Printed name: Type in the name of the person signing the application.

C. Date signed**:** This space should automatically fill itself in with the date you accessed the form. If you plan on saving or signing it at a later time, ensure that you have selected the "write date by hand" option before printing your form, in order to disable the date auto-fill function.

D. Deposit Account: Complete this section by providing the U.S. Copyright Office deposit account number and the name of the deposit account holder if you wish to have the application fee debited from an existing account. Leave blank if you do not have a deposit account or wish to pay by check.

E. Tracking number: Complete this section only if you have your own tracking number/system by which you monitor your registration applications, otherwise leave it blank.